

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 14

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MICHAEL F. TOMPSETT

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Appeal No. 98-0778  
Application No. 08/625,445

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**ON BRIEF**

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Before Garris, Lieberman, and Kratz, Administrative Patent Judges.

Lieberman, Administrative Patent Judge.

**DECISION ON APPEAL**

This is an appeal under 35 U.S.C. § 134 from the decision of the examiner refusing to allow claims 13 through 16. Claim 17 stands withdrawn from consideration as being drawn to a non-elected invention. 37 CFR § 1.142(b). See the Final Rejection dated June 6, 1997.

**THE INVENTION**

The invention is directed to a process for producing a speckled particle by spraying a dyestuff and an acrylic acid copolymer having a molecular weight of about 3,000 to about 4,500 onto a hygroscopic particle. A coated particle is thereby formed and dried. The invention is further directed to a specific ratio of hygroscopic particles to dyestuff.

**THE CLAIM**

Claim 13 is illustrative of appellant's invention and is reproduced below.

13. A process for producing a speckle particle for use in a detergent composition comprising the steps of:

- (i) spraying an aqueous organic binder mixture comprising an acrylic acid copolymer having an average molecular weight of from about 3,000 to about 4,500 onto a hygroscopic base particle to form a coated particle; and
  - (ii) drying said coated particle to obtain said speckle particle;
- wherein the weight ratio of said hygroscopic base particle to said dyestuff in said speckle particle is from about 1,000:1 to about 50:1, expressed on a dry basis.

**THE REFERENCE OF RECORD**

As evidence of obviousness, the examiner relies upon the following reference.

Claims 13 through 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Baldassin.

conclusion [of obviousness] is not supported by the facts it cannot stand." *In re Warner*, 379 F.2d 1011, 1017, 154 USPQ 173, 178 (CCPA 1967).

The rejection of claims 13 through 16 under 35 U.S.C. § 103(a) as being unpatentable over Baldassin is reversed.

## AND INTERFERENCES

Appeal No. 98-0778  
Application No. 08/625,445

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PETER F. KRATZ

Administrative Patent Judge

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